

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LENIER AYERS,

Plaintiff,

v.

HENRY RICHARDS, RICHARD
STEINBACH, MIKE HOGAN, JERAMY
DORFNER, BECKY DENNY, JOSE
GARCIA, LESLIE SZIEBERT, THOMAS
BELL, and KRYSTAL KNUTSON,

Defendants.

No. C08-5541 RJB/KLS

ORDER DENYING PLAINTIFF'S
MOTION TO VIEW VIDEOTAPES

Before the court is Plaintiff's "Motion to Review SCC 'Time Recorded' Videos of January 17, 2006, Dorfner Assault; and June 1st, 2008, Garcia Assault Video, Also Request to Call Forth Prima-Facie Witness." Dkt. 100. Having reviewed the motion, Defendants' opposition (Dkt. 104), and balance of the record, the court finds that the motion should be denied. Plaintiff's claims relating to the discovery requested have been dismissed with prejudice.

DISCUSSION

Mr. Ayers filed this action in August, 2008. Dkt. 1. He did not engage in discovery before the November 2009 discovery deadline. Dkt. 41. Defendants moved for summary

1 judgment dismissal in December 2009. Dkts. 15 and 50. The district court dismissed Mr. Ayers'
2 claims regarding Defendants Dorfner and Garcia on June 16, 2010. Dkt. 89. The incidents
3 depicted in the video recordings Mr. Ayers seeks leave to review relate to the dismissed claims.
4 Dkt. #52, ¶¶ 6, 7, 10.

5 Moreover, Mr. Ayers' assertion that he has been denied access to these videos is
6 spurious. The record reflects that he has had access to the video recordings since at least
7 February 12, 2009, when the tapes were given to SCC's legal coordinator, and again in
8 December 2009, after Defendants filed their summary judgment motion. Dkt. 104, Exhs. 1 and
9 2.
10

11 Mr. Ayers claims that he has provided evidence in response to the Defendants' summary
12 judgment motion, however he fails to cite to a particular page number in his own 400-plus page
13 filing. Dkt. 66. This court has previously declined to entertain Mr. Ayers' motion regarding
14 additional evidence. Dkt. 98, p. 3, fn.1 ("[p]laintiff's request to produce additional evidence
15 regarding the alleged assault against Defendant Jose David Garcia is moot. Plaintiff's claims
16 against Mr. Garcia were dismissed with prejudice. Dkts. 81, 89").
17

18 Finally, Mr. Ayers' assertions that Defendants have somehow interfered with his
19 discovery activities regarding the dismissed claims are without factual foundation. Mr. Ayers
20 did not engage in discovery prior to the November 2009 discovery deadline and he has provided
21 no evidence of interference.
22

23 Accordingly, it is **ORDERED**:

24 (1) Plaintiff's Motion to Review SCC Time Recorded Videos (Dkt. 100) is **DENIED**.
25
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DATED this 30th day of August, 2010.


Karen L. Strombom
United States Magistrate Judge